

Remarks

Receipt of the Office Action of December 9, 2003 is gratefully acknowledged.

Claims 8-25 were examined and these have been rejected as anticipated under 35 U.S.C. 102(a) by EP 0 833 048 A1 (hereinafter the '**048 Patent**)

The '**048 Patent**' has been carefully considered, and as a result of this consideration this rejection must be respectfully traversed.

The invention as defined in claim 8 includes four (4) specifically defined steps, namely: a recording step; a transmission step; a counting step; and a cost calculating step. For the prior art to anticipate claim 8, a single reference must clearly teach each of the four(4) specifically defined steps. It is respectfully submitted that the '**048 Patent**' does satisfy this requirement and refers for this suggestion, to page 3, line 40-54 of the '**048 Patent**'. At least, this passage of the '**048 Patent**' can be viewed as disclosing the use sensors and a controller connected to the sensors. There is no disclosure whatsoever of counting and cost calculating steps.

Even the provision of sensors is different in the '**048 Patent**' from that claimed in this invention. The sensor disclosed in the '**048 Patent**' are all associated with a single piece of apparatus. They are not field sensors. This is important because without it the reference to "end users" is of no significance, the '**048 Patent**' is totally silent on any application to end users.

Because of the difference and because the '**048 Patent**' cannot anticipate claim 8, or any claim that depends therefrom.

Application No. 09/862,<sup>5</sup>002  
Amendment dated May 10, 2004  
Reply to Office Action of December 9, 2003

Attorney Docket: DITT3001/FJD

New claim 26 has been added to include a modified preamble relating to the end users. It too, like claim 8, is not, it is respectfully submitted, anticipated by the '**048 Patent.**

In view of the foregoing, reconsideration and re-examination are respectfully requested and claims 8-26 found allowable.

Respectfully submitted,

  
Felix J. D'Ambrosio  
Reg. No. 25,721

Date: May 10, 2004

BACON & THOMAS, PLLC  
625 Slaters Lane, 4<sup>th</sup> Floor  
Alexandria, VA 22314 - 1176  
(703) 683-0500